

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

| | | |
|----|---------------------------------------|-------------------------|
| 09 | VALVE, L.L.C., a Washington Limited) | CASE NO. C02-1683TSZ |
| 10 | Liability Company,) | |
| 11 | Plaintiff,) | ORDER RE: INADVERTENTLY |
| 12 | v.) | PRODUCED DOCUMENTS |
| 13 | SIERRA ENTERTAINMENT, INC. (AKA) | |
| 14 | SIERRA ON LINE, INC.), a Delaware) | |
| 15 | Corporation, et al.,) | |
| 16 | Defendants.) | |

The Court held a telephone conference on October 21, 2004 in order to resolve a discovery dispute concerning three documents produced by defendants.¹ Defendants maintained that the documents were protected by attorney-client privilege or the work product doctrine, and were inadvertently produced. Plaintiff disagreed that the documents were privileged or constituted attorney work product. The Court provided the parties with the opportunity to submit additional material in support of their claims and held a second telephone conference on October 22, 2004. Having considered the arguments of the parties and all documents submitted to the Court,

¹ Each document consists of one or more internal email messages. *See* SIERRA 191933, 191934, 189720, 190357, 190358, 193811, and 193812.

01 including those submitted by defendants for an *in camera* inspection, the Court found as follows:

02 (1) The documents at issue constitute work product prepared in anticipation of
03 litigation and at the behest of counsel, and/or contain privileged attorney-client
04 communications. The inadvertent production of these documents by defendants
05 did not constitute a waiver of the attorney-client privilege or of work product
06 protection.

07 (2) Plaintiff shall immediately return the documents at issue to counsel for defendants.
08 The documents may not be used or relied upon in this litigation or for any other
09 purpose.

10 (3) The Clerk is directed to send a copy of this Order to counsel and to the Honorable
11 Thomas S. Zilly.

12 DATED this 25th day of October, 2004.

13 s/ Mary Alice Theiler
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26